



DOUGLAS A. DUCEY
- GOVERNOR -

VICTORIA WHITMORE
- EXECUTIVE DIRECTOR -

ARIZONA STATE VETERINARY MEDICAL EXAMINING BOARD
9535 E. DOUBLETREE RANCH RD., STE. 100 ♡ SCOTTSDALE, ARIZONA 85258
PHONE: (602) 364-1-PET ♡ FAX: (602) 364-1039
VETBOARD.AZ.GOV

MINUTES
April 20, 2016
Board Room, at 8:30 a.m.
9535 E. Doubletree Ranch Rd.
Scottsdale, Arizona 85258

Members Present: Mr. Jim Loughhead, Ms. Nikki Frost, CVT, Dr. Les Hatfield, Ms. Jessica Amend, Dr. Sarah Heinrich, Dr. Darren Wright, Dr. J. Greg Byrne, and Ms. Julie Young.

Members Absent: Dr. Christina Bertch-Mumaw.

Staff and Legal Counsel Present: Ms. Victoria Whitmore, Executive Director (E.D.); Ms. Sunita Krishna, Assistant Attorney General (A.A.G.); Gina Pickering, Compliance Specialist; and Ms. Tracy Riendeau, CVT, Senior Medical Investigator.

I. CALL TO ORDER

Roll call: Ms. Victoria Whitmore at 8:30 a.m.

II. INITIAL INVESTIGATIVE REVIEW

1. 16-36, In Re: Donald DeShazer, DVM.

Attorney, David Stoll, was present to monitor. After discussion and consideration, a motion was made by Dr. Hatfield and seconded by Ms. Amend to accept the Investigative Committee's recommendation and **dismiss** this matter with no violation. Motion passed unanimously.

2. 16-37, In Re: Carlton Hult Jr, DVM.

Attorney, David Stoll, was present to monitor. After discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Amend to accept the Investigative Committee's recommendation and **dismiss** this matter with no violation. Motion passed unanimously.

3. 16-38, In Re: ShanAnne Edwards, DVM.

Attorney, David Stoll, was present to monitor. Ms. Joy Hollander and Mr. James Babcock were present and made statements. After discussion and consideration, a motion was made by Ms. Amend and seconded by Ms. Frost to accept the Investigative Committee's recommendation and **dismiss** this matter with no violation. Motion passed unanimously.

4. 16-39, In Re: Stephanie Foote, DVM.

Attorney, David Stoll, was present to monitor. Ms. Aliza Dodell was present and made statements. After discussion and consideration, a motion was made by Dr. Wright and seconded by Dr. Heinrich to issue Dr. Foote a **Letter of Concern** for not clearly communicating possible anesthetic risks to the pet owner. Motion passed unanimously.

5. 16-40, In Re: Mindy Bemmerl, DVM.

Attorney, David Stoll, was present to monitor. After discussion and consideration, a motion was made by Dr. Byrne and seconded by Dr. Wright to accept the Investigative Committee's recommendation and **dismiss** this matter with no violation. Motion passed unanimously.

III. INFORMAL INTERVIEWS AND BOARD DELIBERATION

1. 16-27: In Re: Connie Sanders, DVM.

Ms. Frost was recused. Dr. Sanders was present with counsel, David Stoll, made statements and answered questions. Ms. Maria Bux was present, made statements and answered questions. After discussion and consideration, a motion was made by Ms. Young and seconded by Dr. Hatfield to issue Dr. Sanders a **Letter of Concern** regarding the timeliness of acute cardiovascular treatment and pain management for acute bloat. Motion passed 7 ayes, 1 recusal.

2. 16-28: In Re: Della Gregory-MacDonald, DVM.

Ms. Frost was recused. Dr. Gregory-MacDonald was present with counsel, David Stoll, made statements and answered questions. Ms. Maria Bux was present, made statements and answered questions. After discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Amend to **dismiss** this matter with no violation. Motion passed 7 ayes, 1 recusal.

After further discussion and consideration, a motion was made by Dr. Wright and seconded by Mr. Loughhead to open an investigation regarding the premise license holder of Prescott Area Pet Emergency Hospital. Motion passed 6 ayes, 1 nay (Dr. Hatfield), 1 recusal.

3. 16-26: In Re: Laura Harris, DVM.

Dr. Byrne was recused. Dr. Harris was present with attorney, Michael Beethe, made statements and answered questions. Dr. Harry Switzer and Ms. Joanne Switzer were present, made statements and answered questions. Janet Hanes and Dianne Maden were present, made statements and answered questions. After discussion and consideration, a motion was made by Dr. Hatfield and seconded by Dr. Wright to find Dr. Harris in violation of:

- o **A.R.S. § 32-2232 (21)** as it relates to **A.A.C. R3-11-502**:
 - **(L)(2)** failure to document the dog's weight in the medical record on 8/5/2015 and 9/17/2015; and
 - **(L)(4)** failure to document the dog's temperature, heart rate and respiration rate in the medical record on 8/5/2015 and 9/17/2015.
- o **A.R.S. § 32-2232 (12)** as it relates to **A.A.C. R3-11-501 (3)** failure to offer a referral when the animal's condition was not improving or declining.

- o **A.R.S. § 32-2232 (12)** as it relates to **A.A.C. R3-11-501 (1)** failure to provide professionally acceptable procedures for: (1) the Respondent's dosing regarding the aspirin; (2) lack of proper communication regarding aspirin therapy and the cessation of getting it; and (3) documenting that recommendation on the invoice and for not obtaining a proper physical exam and proper diagnostics for an ill patient.

Roll call: Dr. Hatfield, aye; Ms. Frost, aye; Ms. Young, aye; Dr. Heinrich, aye; Ms. Amend, aye; Mr. Loughhead, aye; Dr. Wright, aye. Motion passed 7 ayes, 1 recusal (Dr. Byrne).

4.16-19: In Re: Michael Ferrera, DVM. Continuance of Informal Interview of March 16, 2016, for the purpose of receiving additional information and reviewing and possible action to approve proposed Findings of Fact, Conclusions of Law and adopting an Order.

After discussion and consideration, a motion was made by Dr. Byrne and seconded by Ms. Amend to accept the proposed Findings of Fact and Conclusions of Law as drafted. Motion passed unanimously.

After further discussion and consideration, a motion was made by Dr. Hatfield and seconded by Ms. Young to issue Dr. Ferrera an Order that includes a period of **Probation** for one **(1) year** to obtain **6 hours** of continuing education in communication/ethics in addition to the statutory requirements for license renewal. The Order shall also include a **\$500 civil penalty** to be paid before the end of the probationary term.

Roll call: Dr. Hatfield, aye; Dr. Byrne, aye; Ms. Frost, aye; Ms. Young, aye; Dr. Heinrich, aye; Ms. Amend, aye; Mr. Loughhead, aye; Dr. Wright, aye. Motion passed unanimously.

IV. ADMINISTRATIVE REVIEW OF PREVIOUS ACTIONS

1. 14-27, In Re: Monica Bunge, DVM. Quarterly Board appearance in compliance with Consent Agreement.

Dr. Bunge was present telephonically, made statements and answered questions in compliance with her Consent Agreement.

2. 15-85, In Re: Clayton Wengert, DVM. Board may review, discuss, and take action on compliance with Board Order.

After discussion and consideration, a motion was made by Ms. Amend and seconded by Dr. Wright to open an investigation regarding Dr. Wengert's non-compliance of Board Order 15-85 and move it directly to an informal interview. Motion passed unanimously.

3.15-10, In Re: Refaat Ishak, DVM. Board may review, discuss, and take action on completion of continuing education completed as required by Board Order.

After discussion and consideration, a motion was made by Ms. Amend and seconded by Dr. Heinrich to accept Dr. Ishak's continuing education completed as required by his Board Order. Motion passed unanimously.

4.15-77 & 15-103: In Re: Refaat Ishak, DVM. Board may review, discuss, and take action on final Board Order.

Assistant Attorney General, Michael Raine, was present to provide independent procedural advice to the Board.

After discussion and consideration, a motion was made by Dr. Hatfield and seconded by Ms. Amend to rescind their original motion with respect to Dr. Ishak's Board Order sanctions. Roll call: Dr. Hatfield, aye; Ms. Frost, aye; Ms. Young, aye; Dr. Heinrich, aye; Ms. Amend, aye; Mr. Loughhead, aye; Dr. Wright, aye and Dr. Byrne, aye. Motion passed unanimously.

After further discussion and consideration, a motion was made by Dr. Hatfield and seconded by Dr. Wright issue Dr. Ishak an Order to include a period of **Suspension for six (6) months**; the Order shall include a **Stayed Revocation** during that time. During the period of Suspension, Dr. Ishak shall take, and pass, the NBVE companion animal species specific exam; he will have two attempts to successfully pass the exam. If Dr. Ishak does not pass the exam, the Stayed Revocation shall be lifted and Dr. Ishak's veterinary license will be revoked.

If Dr. Ishak passes the NBVE exam, after the period of Suspension, Dr. Ishak's veterinary license will be placed on **Probation for 5-years** to obtain an additional **100 hours of continuing education**, in addition to the statutory requirements for licensure, in the area of:

- Anatomy and physiology;
- Surgery; and
- Diagnostics.

50 of the 100 hours of continuing education shall be obtained by attending wet labs with 35 of the 50 hours in soft tissue and/or orthopedic surgeries. If a continuing education course/institution requires a test, Dr. Ishak must pass the test based on the institution's grading system.

Dr. Ishak shall submit to the Board for approval at least twenty (20) hours of his continuing education plan within 6-months of the effective date of the Order, and at least twenty (20) hours each year after that.

Dr. Ishak shall pay a **civil penalty** of **\$3000** by the end of the Probation period.

Additionally, Dr. Ishak shall be **restricted from performing and any and all surgeries indefinitely, including soft tissue, orthopedics and oral surgeries, including extractions**. Prior to termination of the practice restriction, Respondent must submit a written request to the Board for release or modification of the practice restrictions outlined in the Order. When submitting such a request, Respondent shall provide the Board with evidence establishing that he has appropriately addressed the issues that resulted in the practice restrictions and he can safely and competently perform surgical procedures.

During the 1st year of the Probationary period, Dr. Ishak shall submit fifteen (15) sets of medical records quarterly to assist the Board in evaluating Dr. Ishak's competency.

If Dr. Ishak employs an associate or relief veterinarian, the associate or relief veterinarian shall read the Order and submit a written notice to the Board that he/she understands the terms of Dr. Ishak's Order. The same is true if Dr. Ishak is employed by any other premise other than his own.

Also, the Order shall include a Stayed Suspension. If Dr. Ishak has engaged in practice outside the restrictions, the Stayed Suspension shall be lifted and Dr. Ishak's license will be

suspended until a hearing can be held.

Roll call: Dr. Hatfield, aye; Dr. Byrne, aye; Ms. Frost, aye; Ms. Young, aye; Dr. Heinrich, aye; Ms. Amend, aye; Mr. Loughhead, aye; Dr. Wright, aye. Motion passed unanimously.

5.C-15-08: In Re: Kindra Hancey. Board may review, discuss, and take action on Ms. Hancey's request to speak with the Board regarding the Cease & Desist Order issued.

Ms. Hancey was present, made statements, and answered questions.

- At 9:11 a.m., after discussion and consideration, a motion was made by Dr. Wright and seconded by Dr. Heinrich to go into executive session to obtain legal advice. Motion passed unanimously.
- At 9:22 a.m., the Board returned to open session.

After discussion and consideration, the Board concluded that Ms. Hancey's Cease & Desist Order issued remains in effect. The Board advised Ms. Hancey that they cannot give legal advice and she could contact an attorney to help her comply with the Statutes and Rules with respect to the work she wants to perform on animals.

V. REPORTS, CORRESPONDENCE, REFERRALS AND OTHER BUSINESS

1. Board may review, discuss, and take action on possible re-appointment of P.M. Investigative Committee member Adam Almaraz.

After discussion and consideration, a motion was made by Dr. Wright and seconded by Dr. Hatfield to re-appoint Mr. Almaraz to the P.M. Investigative Committee. Motion passed unanimously.

2. Board may review, discuss, and take action on correspondence received from Debra LaRoche concerning business model of veterinary practices.

No action taken.

3. Board may review, discuss, and take action on information received regarding possible unlicensed practitioner.

Mr. Loughhead was recused. After discussion and consideration, the Board directed staff to ask the Chiropractic Board to inform the Board if they obtain specific information regarding Ms. Karen O'Haco providing veterinary services to animals.

4. Board may review, discuss, and take action on American Association of Veterinary State Board's Call for Resolutions.

No action taken.

5. Board may review, discuss, and take action on information from U.S. Drug Enforcement Administration concerning the Veterinary Mobility Act of 2014.

No action taken.

6. Board may review, discuss, and take action on request for approval of continuing education from provider Charlotte Rosenthal, CVT.

After discussion and consideration, a motion was made by Dr. Hatfield and seconded by Ms. Amend to approve Ms. Rosenthal's continuing education. Motion passed unanimously.

7. Board may review, discuss, and take action on request for approval of continuing education from provider Angela Randels-Thorp, CVT.

After discussion and consideration, a motion was made by Ms. Amend and seconded by Dr. Wright to approve Ms. Randels-Thorp's continuing education. Motion passed unanimously.

8. Board may review, discuss, and take action on complaint received on Sabino Canyon Pet Resort.

No action taken due to lack of jurisdiction over the matter.

9. Executive Director Report

a. Legislative Update (HB2501, HB2613, HB2337, HB2517)

Ms. Whitmore reported that HB250, dealing with the merging of many health care boards with the Department of Health Services, had been withdrawn from its sponsor; HB2613, which contains a provision for ADOA to conduct a study of transferring all non-health boards to ADOA has been retained in the Senate; HB2337, which provides minor modifications to site inspection requirements passed both houses; HB2517, called the "Right to Earn a Living Act," was passed by the Senate Government Committee.

b. American Association of Veterinary State Boards (AAVSB) Member Boards' Executive Committee and Board nomination update

Ms. Whitmore stated that Dr. Brian Serbin had withdrawn his acceptance of the nomination to the AAVSB Board of Directors due to time commitments. She further shared that she serves as the AAVSB Conference Committee Chair and has been asked by the AAVSB Board to serve on a new Executive Directors Advisory Committee.

c. Board training update

Ms. Whitmore asked the Board members to provide any updates to her regarding training they may have completed.

d. Staff CLEAR training/certification update

Ms. Whitmore reported that Ms. Pickering, Compliance Specialist, completed the CLEAR (Council on Licensure, Enforcement and Regulation) Specialized training, therefore, all agency investigators have achieved this advanced certification.

e. Financial/budget update

Ms. Whitmore reviewed the latest financial information and performance measures.

f. Member Senate confirmation update

Ms. Whitmore reported that Ms. Amend and Dr. Bertch-Mumaw were confirmed by the Senate.

10. Board may review, discuss, and take action on veterinary application from:

a. Viviana Zumpano (R)

After discussion and consideration, a motion was made by Dr. Hatfield and seconded by Dr. Wright to allow Ms. Zumpano to sit for the State exam and if passes, have her appear before the Board prior to licensure. Motion passed unanimously.

11. Board may review, discuss, and take action on veterinary license pending receipt of issuance fee and proof of graduation.

a. Alexander Adrian (R)

b. Jeremy Alltop (R)

c. Helena Carner (R)

d. Samantha James (R)

e. Elizabeth Jobe (R)

f. Makenzie Kurth (R)

g. Molly Martony (R)

h. Laura Olsen (R)

i. Kelsey Parris (R)

j. Racheal Redman (R)

k. Darlus Starks (R)

l. Jennifer Stitt (R)

m. Emily Thometz (R)

n. Alexa Veale (R)

o. Randi Wood (R)

p. Mary Work (R)

After discussion and consideration, a motion was made by Ms. Amend and seconded by Dr. Wright to approve the above veterinary licenses pending receipt of issuance fee and proof of graduation. Motion passed unanimously.

12. Board may review, discuss, and take action on veterinary technician certification pending receipt of issuance fee.

a. Hayley Johnson

b. Stephanie Johnson

c. Kimberly Leltzell

d. Jamie Littfield

e. Paulina Motyka

f. Hannah Robertson

g. Sandra Whitmarsh

After discussion and consideration, a motion was made by Ms. Amend and seconded by Dr. Hatfield to approve the above veterinary technician certifications pending receipt of issuance fee. Motion passed unanimously.

13. Board may review, discuss, and take action on denial of certification for veterinary technician applicants who failed the VTNE and/or State exam. List available upon request.

After discussion and consideration, a motion was made by Ms. Amend and seconded by Dr. Wright to deny certification of veterinary technician applicants who failed the VTNE and/or State exam and authorize Ms. Whitmore to represent the Board if a settlement conference is requested, limiting her authority to denial of certification. Motion passed unanimously.

14. Board may review, discuss, and take action on Federation of Associations of Regulatory Boards membership.

After discussion and consideration, a motion was made by Dr. Hatfield and seconded by Dr. Wright to become a member of the Federation of Associations of Regulatory Boards (FARB) and to add FARB webinars to the menu of Board member training options. Motion passed unanimously.

VII. REVIEW AND APPROVAL OF MINUTES

a. January 20, 2016 Regular Session

Approval pended until quorum from that meeting is available.

b. January 20, 2016 Executive Session

Approval pended until quorum from that meeting is available.

c. February 5, 2016 Special Meeting Regular Session

Approval pended until quorum from that meeting is available.

d. March 16, 2016 Regular Session

After discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Amend to approve the March 16, 2016, regular session minutes as drafted. Motion passed unanimously.

e. March 16, 2016 Executive Session

After discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Amend to approve the March 16, 2016, executive session minutes as drafted. Motion passed unanimously.

VII. CONSENT AGENDA

A. Approval to take State Veterinary Exam

1. Amstutz, Amanda (R)
2. Black, Camille (R)
3. Blatt, Emily (R)
4. Bush, Ronald (E)
5. Deutsch, Joseph (E)
6. Johansson Holland, Petra (E)
7. Linney, Travis (R)
8. Long, Jason (R)
9. Lored, Ariel (R)
10. Marcus, Zachary (R)
11. McCormick, Kayleigh (R)
12. Sciacca, Karissa (R)
13. Storck, Rebecca (R)
14. Weinzierl, Alex Anne (R)
15. Antony, Ranimol (R)
16. Gannaway, Tess (R)
17. Hall, Emily (R)
18. Hay-Roe, Matthew (R)

19. Manacki, Jenna (R)
20. Mejia, Sebastian (R)
21. Meyers, Ericka (R)
22. Sorenson, Kristina (R)
23. Timiney, Kristin (R)
24. Williams, Aubrielle (R)

Approval to take the State Veterinary Exam granted.

B. Approval of Premise Licenses

1. R2616: King's Services. New Premise. Elizabeth King Shelton, DVM.
2. R2617: Purrfurred Pets Mobile Spay/Neuter Clinic. New Premise. Ann Carvell, DVM.
3. R2619: Humane Society of Sedona. New Responsible Veterinarian. Todd Metcalf, DVM.
4. R2620: Little Critters Veterinary Hospital. New Premise. Jill Patt, DVM.
5. R2621: Pet Urgent Care, LLC. New Premise. Stephen Gilson, DVM.
6. R2622: Large Animal Ambulatory Service of Midwestern University. New Premise. Sarah Matyjaszek, DVM.
7. R2623: Banfield Pet Hospital #1908. New Responsible Veterinarian. Lexington Hoffman, DVM.
8. R2624: Animal Hospital at Grayhawk. New Owner. New Responsible Veterinarian. Michael Berman, DVM.
9. R2626: Tucson Veterinary Dental Specialists. New Premise. Curt Coffman, DVM.
10. R2627: Valley Verde Veterinarians. New Responsible Veterinarian. Stacy Nolasco, DVM.
11. R2628: Healthy Paws & Hooves @ CAL Ranch Show Low. New Premise. David Barnes, VMD.
12. R2628: Healthy Paws & Hooves @ CAL Ranch Flagstaff. New Premise. David Barnes, VMD.
13. R2631: Arizona Veterinary Oncology. New Address. Eric Boshoven, DVM.
14. R2633: Alta Mesa Animal Hospital. New Responsible Veterinarian. Kristin Fornara, DVM.

Approval of Premise Licenses granted.

C. Random Premise Inspections

1. P0977: Agassiz Animal Clinic. Robert Moore, DVM.
2. R0700: Desert Hills Pet Clinic. Michael Kaufman, DVM.
3. R1208: Ocotillo Animal Clinic & Pet Resort. Leslie Wheeler, DVM.
4. R1374: Maricopa County Animal Care & Control Neuter Scooter. Monika Durgin, DVM.
5. R1375: Maricopa County Animal Care & Control Westside Shelter. Monika Durgin, DVM.
6. R1416: Sunrise Small Animal Mobile Vet. Meredith Beard, DVM.
7. R1431: Rolling Hills Pet Clinic. Havah Haskell, DVM.
8. R1446: KC Animal Hospital & Pet Resort. Daniel Pirotte, DVM.
9. R1461: McDowell Mountain Animal Hospital. Caroline Magargle, DVM.
10. R1498: Animal Medical Services. Krista Gibson, DVM.
11. R1503: Animal Specialty Group of Scottsdale. Ross Lirtzman, DVM.
12. R1590: Pet Allies, Inc. Spay Neuter Clinic. Steven Anderson, DVM.
13. R1628: Kaibab Veterinary Clinic. J. Martin, DVM.
14. R1848: Bark Avenue Animal Hospital. Kathryn Orr, DVM.

C (12) removed from Consent Agenda.

Approval of Random Premise Inspections granted.

D. Approval of Premise Change of Scope Request

1. R0700: Desert Hills Pet Clinic. Add Mobile Unit. Michael Kaufman, DVM.
2. R1446: KC Animal Hospital & Pet Resort. Add Mobile Unit. Daniel Pirotte, DVM.
3. R1208: Ocotillo Animal Clinic & Pet Resort. Add Mobile Unit. Leslie Wheeler, DVM.
4. R1375: Maricopa County Animal Care & Control Westside Shelter. Add Mobile Unit. Monika Durgin, DVM.

Approval of Premise Change of Scope Requests granted.

E. Approval of Premise Name Change Request

1. R1503: Animal Specialty Group of Scottsdale to Arizona Canine Orthopedics & Sports Medicine. Ross Lirtzman, DVM.

Approval of Premise Name Change Request granted.

F. Approval of Temporary Permit

1. Marcus, Zachary (R)
2. Manacki, Jenna (R)

Approval of Temporary Permit granted.

G. Approval to take the Certified Veterinary Technician Exams

1. Stover, Lura
2. Jones, Sheryl

Approval to take the Certified Veterinary Technician State Exam granted.

H. Approval of Reinstatement of Veterinary Technician Certification

1. LeBar, Justine

Approval of Reinstatement of Veterinary Technician Certification granted.

I. Approval of Veterinary License

1. Baker, Monica (R)
2. Bertram, Susan (E)
3. Boles, James (E)
4. Huntley, John (E)
5. Ribka, Erin (E)
6. Schaible, Megan (E)

Approval of Veterinary License granted.

After discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Amend to approve the Consent Agenda as amended. Motion passed unanimously.

Items Removed From Consent Agenda

C (12) R1590: Pet Allies, Inc. Spay Neuter Clinic. Steven Andersen, DVM.

After discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Amend to approve the above random premise inspection pending compliance. Motion passed unanimously.

VIII. SUMMARY OF CURRENT EVENTS

No current events

IX. CALL TO PUBLIC

No member of the public wished to speak.

X. ESTABLISHMENT OF FUTURE MEETING DATE

The next regular meeting will be held on May 18, 2016, beginning at 8:30 a.m. at 9535 E. Doubletree Ranch Road, Scottsdale, Arizona, 85258, in the Board Room.

XI. ADJOURNMENT

The meeting adjourned at 2:08 p.m.

Respectfully submitted,

A handwritten signature in cursive script, reading "Victoria Whitmore", is written over a horizontal line.

Victoria Whitmore, Executive Director